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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/573,752

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Dennis Brian Nielsen

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EXAMINER

ENSEY, BRIAN

ART UNIT

PAPER NUMBER

2615

MAIL DATE

DELIVERY MODE

08/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/573,752	NIELSEN, DENNIS BRIAN	
	Examiner	Art Unit	
	Brian Ensey	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/5/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the circumferential groove of the locking means must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

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The disclosure is objected to because of the following informalities: The applicant should be consistent in naming elements 19, 20 and 21. See page 6, lines 13-24, “carrier part 19”; “cut outs 19”; “output transducer 20”; “protrusions 20”; “radial protrusions 21”; “cut outs 21”.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 8-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Tziviskos et al. U.S. Patent No. 6,748,094.

Regarding claim 1, Tziviskos discloses an attachment means (16) for attaching a conductor (12) to a hearing aid (10) having a hearing aid housing with a hearing aid housing wall, said attachment means being adapted to be located partially in said hearing aid housing wall, so as to have a first part (45) located in said hearing aid housing wall and a second part (44) protruding through an aperture in said hearing aid housing wall (See Figs. 1-3, col. 4, lines 17-27 and col. 5, line 50 to col. 6, line 25).

Regarding claim 2, Tziviskos further discloses said first part comprises means for interlocking (45) with the hearing aid housing in an assembled state thereof (See Fig. 3 and col. 6, lines 26-30).

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Regarding claim 3, Tziviskos further discloses said first part comprises means for interlocking (45) with the hearing aid housing and a carrier (10) for electronics in the hearing aid in an assembled state thereof (See Fig. 1 and col. 4, lines 17-27, BTE device body inherently carries electronics for the hearing aid).

Regarding claim 4, Tziviskos further discloses said second part is generally cylindrical and comprises a thread (44, See Fig. 3).

Regarding claim 8, Tziviskos discloses a hearing aid housing for a BTE hearing aid (10), said housing comprising a housing wall and an attachment means (16) for attaching a conductor (12), said attachment means comprising an attachment means located partially in said hearing aid housing wall, so as to have a first part (45) located in said housing wall and a second part (44) protruding through an aperture in said hearing aid housing wall (See Figs. 1-3, col. 4, lines 17-27 and col. 5, line 50 to col. 6, line 25).

Regarding claim 9, Tziviskos further discloses said hearing aid housing wall comprises means for interlocking (45) with said attachment means (See Fig. 3).

Regarding claim 10, Tziviskos further discloses said means for interlocking with said attachment means comprises a recess formed in said housing wall (See Fig. 3 and col. 6, lines 26-30, A recess in the housing must be present for seating shoulder 45 and thus provide counter rotational resistance as disclosed).

Regarding claim 11, Tziviskos further discloses said attachment means comprises means for interlocking (45) with said housing wall and a carrier (10) for electronics in the hearing aid (See Fig. 1 and col. 4, lines 17-27, BTE device body inherently carries electronics for the hearing aid).

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Regarding claim 12, Tziviskos discloses a BTE hearing aid (10) comprising a hearing aid housing with a housing wall and an attachment means (16) for attaching a conductor (12), said attachment means comprising an interchangeable part having a first (45) and a second part (44), said second part protruding from said hearing aid housing through an aperture in said housing wall (See Figs. 1-3, col. 4, lines 17-27 and col. 5, line 50 to col. 6, line 25).

Regarding claim 13, Tziviskos further discloses said hearing aid and said attachment means (16) comprise mutually interlocking means (45) (See Fig. 3).

Regarding claim 14, Tziviskos further discloses said second part of said interchangeable part comprises a generally cylindrical surface with an external thread (44, See Fig. 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-7 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tziviskos in view of Vignini U.S. Patent No. 3,813,499.

Regarding claims 5-7, Tziviskos discloses an attachment means as claimed. Tziviskos does not expressly disclose said second part comprises a catch means, wherein said catch means comprises a barb and wherein said barb is circumferential. However, the use of a circumferential barb catch is well known in the art and Vignini discloses an attachment means (11) comprising a catch means, wherein said catch means comprises a barb and wherein said barb is

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circumferential (See Fig. 1 and col. 2, lines 2 – 38). Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the threaded attachment means of Tziviskos with barb attachment means as taught by Vignini for securely attaching a further variety of earhooks in addition to the multiple earhooks taught by Tziviskos.

Regarding claims 15-18, Tziviskos discloses an attachment means as claimed. Tziviskos does not expressly disclose said second part comprises a catch means, wherein said catch means comprises a barb, wherein said barb is circumferential and wherein said barb is located at the distal end of said second part. However, the use of a circumferential barb catch is well known in the art and Vignini discloses an attachment means (11) comprising a catch means, wherein said catch means comprises a barb, wherein said barb is circumferential and wherein said barb is located at the distal end of said second part (See Fig. 1 and col. 2, lines 2 – 38). Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the threaded attachment means of Tziviskos with barb attachment means as taught by Vignini for securely attaching a further variety of earhooks in addition to the multiple earhooks taught by Tziviskos.

Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taenzer et al. U.S. Patent No. 6,009,183.

Regarding claims 19-21, Taenzer discloses a locking means (38) for securing a conductor (14) to an attachment means (32) of a hearing aid having a hearing aid housing, said locking means comprising a protrusion (38) provided on said attachment means, and said locking means comprising an annular member (30) adapted to be placed around a tube at a location registering with said protrusion, said annular member comprises at least one internal recess (36) adapted to

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register with said protrusion and said internal recess is a circumferential groove (See Figs. 1 and 5 and col. 3, lines 32-45). Taenzer does not expressly disclose said protrusion is a barb.

However, Taenzer teaches other types of couplings with one or more grooves and correspondingly shaped rings may also be used. Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention to make the protrusion of Taenzer in a shape including a barb to provide ease of insertion of a connector and to provide a secure fit (See Taenzer col. 3, lines 32-40).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Ensey whose telephone number is 571-272-7496. The examiner can normally be reached on Monday - Friday 6:00 AM - 2:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Suhan Ni can be reached on 571-272-7505. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, Va. 22313-1450

Or faxed to:

(571) 273-8300, for formal communications intended for entry and for informal or draft communications, please label "PROPOSED" or "DRAFT".

Hand-delivered responses should be brought to:

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian Ensey/
Primary Examiner, Art Unit 2615
August 15, 2008